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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/215,713	12/18/1998	MICHAEL WYNBLATT		1773

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SIEMENS CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
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EXAMINER

FEILD, JOSEPH H

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 12/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/215,713

Applicant(s)

WYNBLATT ET AL.

Examiner

JOSEPH H FEILD

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2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

1. This office action is responsive to Amendment A, filed 9/24/02.
2. The examiner previously in charge of this application, Maikhanh Nguyen, is on extended leave, and therefore, is no longer in charge of the application. Primary Examiner Joseph Feild (Art Unit 2176) will now be in charge of examining the application. Please update future correspondence accordingly.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Line numbers below refer to the "clean" copy of the claims submitted in Amendment A.

With respect to independent claim 1:

The claim is directed toward a "system", but at lines 6 and 8, reference is made to "the previous step", which language should be reserved for method claims only. Furthermore, "the previous step" lacks antecedent basis. That is, even if the claim were a method claim, "the previous step" would be inappropriate.

"given dynamic annotation" (line 3) is vague and indefinite. The scope of the claim is indeterminate based on this language.

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"said dynamic annotations" (line 5) is vague and indefinite and lacks proper antecedent basis. At line 3, "a given dynamic annotation" is recited, yet at line 5, "said dynamic annotations" refers back to a plurality of annotations.

At lines 7-10, "said dynamic annotations" again lacks proper antecedent basis, and "said annotation" (line 9) is vague and indefinite because "said dynamic annotations" refers to several annotations, while "said annotation" refers to one. Overall, the language is extremely confusing and the scope of the claim and overall function cannot be determined.

The remaining independent claims (10, 17, 33) include similar deficiencies, and should be likewise amended. The dependent claims are rejected for fully incorporating the deficiencies of the base claims from which they depend.

### ***Claim Rejections - 35 USC § 103***

5. Claims 1-16 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson et al (5,809,247).

With respect to independent claims 1, 10, and 33, Richardson discloses a web tour director, programmed onto a web server, *for connecting a client system to one or more web sites in accordance with a web tour stop vector identifying the one or more web sites as tour stop(s) of a web guided tour* (column 2, top). Richardson's system *further includes a media rendering function also programmed onto the web server for rendering on the client system, one or more corresponding media for each of the one of*

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*more websites, for at least a portion of the time while a web site is connected to the client system.* Thus, Richardson discloses “recording a given dynamic annotation on any of a plurality of hypermedia documents” (media rendering function), “distribution system” (the internet), “playing system for playing said dynamic annotations . . . ” (client system). Here, it is noted that the client system is connected to the internet. As such, while Richardson does not explicitly teach “loading multiple ones . . . while maintaining synchronized playback of said annotation”, since it was well known for multiple clients to access a web site at the same time, it would have been obvious to one of ordinary skill in the art at the time of the invention to “load multiple ones . . . while maintaining synchronized playback” because each client would have the *corresponding media* played synchronously according to the web page being visited by each client.

Further regarding independent claim 10, “annotation server” is implicitly disclosed by Richardson as the *media rendering function . . . programmed onto the web server* for rendering the multimedia annotations that accompany the web tour (see figure 6, columns 2, 5, and 6).

Regarding dependent claims 2-9, 11-16, and 34-35, Richardson discloses “capturing” and “playing navigation events” as the media renderer (the events had to be “captured” in order to be able to be rendered). The events, recorded in conjunction with a hypermedia system (the internet) are “recorded on hypermedia” (e.g., claim 4), and “hyperlinks may be created and followed between said dynamic annotations” (implicitly taught because the annotations are recorded in conjunction with web pages. The hyperlinks are followed between the web pages, so indirectly, between the annotations).

***Allowable Subject Matter***

6. Claims 17-32 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Since the rejection of the claims under 35 USC §112, 2<sup>nd</sup> paragraph, should have been made by the previous examiner, this office action is being made **NON-FINAL**.

The examiner regrets any inconvenience caused to applicant for the delay in prosecution.

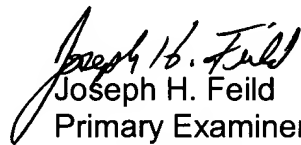
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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH H FEILD whose telephone number is (703) 305-9792. The examiner can normally be reached on Monday-Friday from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HEATHER HERNDON, can be reached on (703) 308-5186. The fax phone numbers for the organization where this application or proceeding is assigned are:

(703) 746-7238	<b>(After Final Communication)</b>
(703) 746-7239	<b>(Official Communication)</b>
(703) 746-7240	<b>(Status Inquiries, Draft Communication).</b>

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
Joseph H. Feild  
Primary Examiner  
Art Unit 2176  
December 9, 2002